IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 22613 of 1994

Between:

Poojari Peda Rangaiah, S/o. Rangaswamy,
Cultivation and Archakatvam,
Obulapuram Village, Dhone Mandal, Kurnool District.

..... PETITIONER

AND

1. The Assistant Commissioner of Endowments,
Endowments Department, Kurnool.
2. Executive Officer of Group Temples of Papeally,
Papeally Mandal, Kurnool District.
3. Inspector of Police,
Dhone, Kurnool District.
4. Sub-Inspector of Police,
Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or order more particularly in the nature of a Writ of Mandamus declaring the action of the respondents in interfering with the customary performance of Archakatvam and related duties of the petitioner in Zarikonda Narasimhaswamy and Anjaneyaswamy temples situated in Obulapuram village, Dhone Mandalam as illegal, arbitrary and unjust and consequently to direct them not to interfere with the duties of the petitioner as Archaka of the said two temples.

Counsel for the Petitioner: MR. P. MALLIKARJUNA SASTRY

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent Nos.3 and 4: THE GOVERNMENT PLEADER FOR HOME

The Court made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in interfering with the customary performance of Archakatvam and related duties of the petitioner in Zarikonda Narasimhaswamy and Anjaneyaswamy temples situated in Obulapuram village, Dhone Mandal, as illegal, arbitrary.

2. The case of the petitioner is that his family has been the hereditary archakas of the above two temples since times immemorial, and Archakatvam has been devolving as of right in their family members, and accordingly he succeeded his father as Archaka. In lieu thereof, the petitioner and his family members have been enjoying the lands endowed for the above purpose, but the officials of the respondents are trying to dispossess him from the possession of the said lands.

3. Learned Government Pleader states that the cause in this writ petition has become infructuous as the respondents in their counter affidavit has specifically averred in paragraph 5 of page No.2 that “the Executive Officer, has conducted the public auction of the lease hold rights of the lands in question on 17-02-1994 as per the Rules with Police Aid and an amount ofRs.51,500/-(Rupees fifty one thousands and five hundred only) was fetched for an year in the public auction the successful bidder has deposited the amount and took possession of the lands in question on 17-02-1994”. In view of the circumstances, the cause in this writ petition does not survive for adjudication, in this writ proceedings.

4. Recording the said submission, the writ petition is dismissed as infructuous. No costs.

GHULAM MOHAMMED, J

Dt.30-09-2004

Glv/kk

ASSISTANT REGISTRAR

Copies to:

1. The Assistant Commissioner of Endowments,
Endowments Department, Kurnool.
2. TheExecutive Officer of Group Temples of Papeally,
Papeally Mandal, Kurnool District.
3. TheInspector of Police,
Dhone, Kurnool District.
4. The Sub-Inspector of Police,
Dhone, Kurnool District.

5. Two CCs to the Government Pleader for Endowments, High Court Buildings, Hydeabad. (O.U.T)

6. Two CCs to the Government Pleader for Home, High Court of A.P., Hyderabad (OUT)

7. Two C D copies.